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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2842

03/14/2012 Authored by Wardlow

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to insurance; prohibiting the creation, operation, or existence of a
1.3 health insurance exchange in Minnesota; enacting the Minnesota Healthcare
1.4 Marketplace Preservation Act; proposing coding for new law in Minnesota
1.5 Statutes, chapter 62Q.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[62Q.022] HEALTH EXCHANGE PROHIBITED.**

1.8 No American Health Benefit Exchange within the meaning of that term in the federal
1.9 Affordable Care Act shall be created, operate, or exist in this state.

1.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.11 Sec. 2. **[62Q.023] MINNESOTA HEALTHCARE MARKETPLACE**
1.12 **PRESERVATION.**

1.13 Subdivision 1. **Citation.** This section shall be known as and may be cited as the
1.14 "Minnesota Healthcare Marketplace Preservation Act."

1.15 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have
1.16 the meanings given them.

1.17 (b) "Health care service" means any service, treatment, or provision of a product for
1.18 the care of a physical or mental disease, illness, injury, defect, or condition, or to otherwise
1.19 maintain or improve physical or mental health, subject to all laws and rules regulating
1.20 health service providers and products within the state of Minnesota.

1.21 (c) "Mode of securing" means to purchase directly or on credit or by trade, or to
1.22 contract for third-party payment by insurance or other legal means as authorized by the
1.23 state of Minnesota, or to apply for or accept employer-sponsored or government-sponsored

2.1 health care benefits under such conditions as may legally be required as a condition of
2.2 such benefits, or any combination of the same.

2.3 (d) "Penalty" means any civil or criminal fine, tax, salary or wage withholding,
2.4 surcharge, fee, or any other imposed consequence established by law or rule of a
2.5 government or its subdivision or agency that is used to punish or discourage the exercise
2.6 of rights protected under this section.

2.7 Subd. 3. **Statement of public policy.** (a) The power to require or regulate a person's
2.8 choice in the mode of securing health care services, or to impose a penalty related to that
2.9 choice, is not found in the Constitution of the United States of America, and is therefore a
2.10 power reserved to the people pursuant to the Ninth Amendment, and to the several states
2.11 pursuant to the Tenth Amendment. The state of Minnesota hereby exercises its sovereign
2.12 power to declare the public policy of the state of Minnesota regarding the right of all
2.13 persons residing in the state in choosing the mode of securing health care services, which
2.14 is consistent with the constitutionally recognized inalienable right of liberty, whereas
2.15 every person within the state of Minnesota is and shall be free to choose or decline to
2.16 choose any mode of securing health care services without penalty or threat of penalty.

2.17 (b) The policy stated under this section shall not be applied to impair any right of
2.18 contract related to the provision of health care services to any person or group.

2.19 Subd. 4. **Enforcement.** The professional license of any officer of a court sitting
2.20 within the state of Minnesota, who acts to impose, collect, enforce, or effectuate any
2.21 penalty in the state of Minnesota that violates the public policy set forth in this section,
2.22 shall be suspended for a period of one year.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.